



APPEAL BRIEF
Examining Group 3723
Patent Application
Docket No. PGR-100
Serial No. 09/759,423

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert C. Watson
Art Unit : 3723
Applicant : E. Paul Green
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APPEAL BRIEF
UNDER 37 CFR §1.192

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A. Appellant's specification provides a sufficient written description of a trailer jack mounting apparatus comprising a first piece mountable to an A-frame coupler of a trailer wherein the A-frame coupler is located at the front of the trailer and is designed to couple to a hitch ball, as claimed in claim 39 and provides a sufficient written description of an apparatus for mounting a trailer jack to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball comprising a first piece mountable to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball, as claimed in claims 40-41.2

B. The limitation in claim 39 "wherein the A-frame coupler is located at the front of the trailer and is designed to couple to a hitch ball" does not constitute new matter, because Appellant's specification provides support for each element of

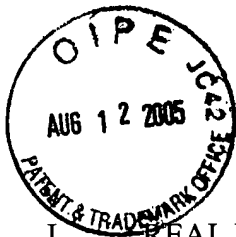
claim 39, and the limitation in claims 40-41 “an A-frame
coupler...incorporates a ball socket for receiving a hitch ball”
do not constitute new matter, because Appellant’s specification
provides support for each element of claims 40-413

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I. REAL PARTY IN INTEREST

This application is owned by E. Paul Green.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 1-12, 21, 22, and 38-41 are pending in the application. Claims 13-20 were canceled in the Amendment dated May 9, 2003. Claims 23-37 were withdrawn in the Amendment dated September 22, 2003. The rejections of claims 1-12, 21, 22, and 38-41 are appealed herein.

IV. STATUS OF AMENDMENTS

A Response under 37 CFR §1.116 was filed on March 10, 2005 in response to the Office Action mailed on November 10, 2004. Claims 1-12, 21, 22, and 38-41 are currently pending and attached hereto as Appendix A.

V. SUMMARY OF THE INVENTION

Claims 1 and 40 are independent. The subject invention as claimed is directed to an apparatus for mounting a trailer jack to an A-frame coupler of a trailer (see, for example, page 4, lines 1-11 and Figures 1A, 1B, 1C, and 1D and page 7, line 25 through page 9, line 9 and Figures 2A, 2B, and 2C). The subject apparatus can enable the mounting of a trailer jack to an A-frame coupler of a trailer such that the trailer jack can quickly transition between a plurality of positions relative to the trailer (see, for example, page 7, lines 13-24 and page 9, lines 13-24). In a specific embodiment, the subject invention includes a first piece mountable to a trailer and a second piece to which a trailer jack can be secured. In a specific embodiment, the subject apparatus also includes means for movably connecting the second piece to the first piece and allowing the second piece to pivot relative to the first piece. Advantageously, the subject invention can either be retrofitted to an existing trailer with jack, or installed at original manufacture.

VI. GROUNDS FOR REJECTION

- A. Claims 39-41 stand rejected under 35 U.S.C. §112, first paragraph, as lacking sufficient written description.
- B. Claims 39-41 stand rejected under 35 U.S.C. §112, first paragraph, reciting new matter.
- C. Claims 1-2, 21-22, and 38-40 stand rejected under 35 U.S.C. §103 (a), as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824).
- D. Claims 3-12 and 41 stand rejected under 35 U.S.C. §103 (a), as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824) taken with Ebey (U.S. Patent No. 4,623,125).

VIII. ARGUMENT

A. a. The specification provides sufficient written description of a trailer jack mounting apparatus comprising a first piece mountable to an A-frame coupler of a trailer, wherein the A-frame coupler is located at the front of the trailer and is designed to couple to a hitch ball, as claimed in claim 39.

Claim 39 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The applicant respectfully submits that the recitation in claim 39 that “the A-frame coupler . . . is designed to couple to a hitch ball” has support in the specification from Figure 1A. Referring to Figure 1A of the subject application, an A-frame coupler designed to couple to a hitch ball is clearly shown. Accordingly, one skilled in the art, at the time the application was filed, having access to the application, would have understood that the applicant was in possession of the subject invention as claimed in claim 39.

Accordingly, the applicant respectfully requests the rejection of claim 39 under 35 U.S.C. §112, first paragraph, be reversed.

b. The specification provides a sufficient written description of an apparatus for mounting a trailer jack to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball comprising a first piece mountable to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball, as claimed in claims 40-41.

Claims 40-41 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The applicant respectfully submits that the recitation in claim 40 that “an A-frame coupler . . . incorporates a ball socket for receiving a hitch ball” has support in the specification from Figure 1A. Referring to Figure 1A of the subject application, an A-frame coupler...incorporating a ball socket for receiving a hitch ball is clearly shown. Accordingly, one skilled in the art, at the time the application was filed, having access to the application, would have understood that the applicant was in possession of the subject invention as claimed in claims 40-41.

Accordingly, the applicant respectfully requests the rejection of claims 40-41 under 35 U.S.C. §112, first paragraph, be reversed.

B. a. Claim 39 does not constitute new matter, because Appellant’s specification provides support for each element of claim 39.

Claim 39 stands rejected under 35 U.S.C. §112, first paragraph, on the grounds that “The A-frame coupler is designed to couple to a hitch ball” represents new matter. The applicant respectfully submits that the recitation in claim 39 that “the A-frame coupler . . . is designed to couple to a hitch ball” has support in the specification from Figure 1A. Referring to Figure 1A of the subject application, an A-frame coupler...designed to couple to a hitch ball is clearly shown. Therefore the limitation “the A-frame coupler is designed to couple to a hitch ball’ is not new matter.

Accordingly, the applicant respectfully requests the rejection of claim 39 under 35 U.S.C. §112, first paragraph, be reversed.

b. Claims 40-41 do not constitute new matter, because Appellant’s specification provides support for each element of claims 40-41.

Claims 40-41 stand rejected under 35 U.S.C. §112, first paragraph, on the grounds that “an A-frame coupler...incorporates a ball socket for receiving a hitch ball” represents new matter. The applicant respectfully submits that the recitation in claim 40 that “an A-frame coupler . . . incorporates a ball socket for receiving a hitch ball” has support in the specification from Figure 1A. Referring to Figure 1A of the subject application, an A-frame coupler...incorporating a ball socket for receiving a hitch ball is clearly shown. Therefore the limitation “an A-frame coupler...incorporating a ball socket for receiving a hitch ball” is not new matter.

Accordingly, the applicant respectfully requests the rejection of claims 40-41 under 35 U.S.C. §112, first paragraph, be reversed.

C. a. Claim 1 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). The applicant respectfully traverses this grounds for rejection. A *prima facie* case of obviousness has not been presented. Three criteria must be met to establish *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or combination of references, must teach or suggest all the claim limitations. Applicant respectfully traverses the rejection since the prior art does not provide any suggestion or motivation to modify the Sweetland to arrive at the subject invention as claimed in claims 1-12, 21-22, and 38-40 and there is no reasonable expectation of success of such a modification.

The Office Action dated November 10, 2004, at page 3, states “[t]o employ on the Sweetland vehicle A-frame coupler a first piece mounted to the vehicle and a second piece mounted to the vehicle jack would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Linton” (underline added for emphasis). However, claim 1 incorporates the limitation “a first piece mountable to an A-frame coupler of a trailer” (underline added for emphasis). An executed Declaration Under 37 CFR §1.132 by Mr. E. Paul Green was submitted on March 26, 2004 and is provided in Appendix B of

this Appeal Brief. Referring to page 2, first full paragraph of Mr. Green's Declaration, Mr. Green states,

“the Linton *et al.* reference does not teach a first piece mounted to an A-frame coupler of a trailer. Furthermore, the Office Action does not provide any indication where or how to employ in Sweetland a first piece mounted to an A-frame coupler of a trailer and a second piece mounted to a trailer jack, or how to movably connect the first piece to the second piece such that the second piece can transition between a plurality of positions relative to the first piece.”

Accordingly, the applicant asserts that there is no motivation to modify the Sweetland reference as stated in the Office Action and there is no reasonable expectation of success of such a modification.

The Office Action dated November 10, 2004 states at page 3 that “[a]ny frame member on the front of the vehicle may be termed an A-frame coupler”. However, the applicant asserts that an A-frame coupler attaches to the two frame members of the trailer that meet at the front end of the trailer to form “the tip of an A” and incorporates a ball socket for receiving a hitch ball, and that one skilled in the art, having access to the applicant's disclosure, would understand the meaning of “A-frame coupler” to be an element that attaches to the two frame members of the trailer that meet at the front end of the trailer to form “the tip of an A” and incorporates a ball socket for receiving a hitch ball. Therefore, the applicant asserts that it is a mischaracterization to state that any frame member on the front of the vehicle may be termed an A-frame coupler. Referring to the July 30, 2004 declaration, Mr. Green declares that:

“the term A-frame coupler has a meaning well-known in the art. As commonly known in the art, an A-frame coupler is an element that attaches to the two frame members of the trailer that meet at the front end of the trailer to form “the tip of an A” and incorporates a ball socket for receiving a hitch ball.

Therefore, it is a mischaracterization to state that any frame member on the front of the vehicle may be termed an A-frame coupler.”

Accordingly, it is a mischaracterization to state that any frame member on the front of the vehicle may be termed an A-frame coupler.

The Office Action dated November 10, 2004 further states at page 3 that “one of ordinary skill in the art would have been motivated to do this in order to enable the A-frame mounted jack of Sweetland to be able to transition between a plurality of vertical positions such that the jack will be initially positioned at a correct vertical position relative to the ground before jacking is begun”. However, referring to page 2, second full paragraph of Mr. Green’s signed Declaration Under 37 CFR §1.132 submitted March 26, 2004, Mr. Green states

“the supporting device B taught in the Sweetland reference incorporates a “supporting flange 38 rigidly mounted to the shaft ... [i]mmmediately above flange 38 is a cylindrical bushing 39, also rigidly attached to the shaft ... [b]elow flange 38 is another bushing 40 spaced from the flange and also rigidly attached to shaft 30” (see column 2, lines 54-58). The Sweetland reference teaches “[i]n operation, yoke A is held at an elevation wherein the shaft 30, in the areas above bushing 39 and 40, can fit through mouths 43 and 44 into keyways 25 and 26; in the aforesaid position, shaft 30 is maintained in vertical alignment ... [y]oke A is then lowered wherein plate 13 at the area adjacent keyway 25 rests upon flange 38 to support the yoke” (see column 2, lines 66-72). Accordingly, the Sweetland reference relies on keyway 25 resting upon flange 38 to support the yoke, such that the mounting of the second piece 32 taught by Linton to the trailer jack (supporting device B) taught by Sweetland and the mounting of the first piece 38 taught by Linton to the A-frame coupler of the trailer taught by Sweetland would not function to allow the trailer jack (supporting device B) mounted to the second piece to transition between a plurality of positions relative to the

trailer mounted to the first piece without defeating the mechanism the Sweetland reference relies on to support the yoke, namely keyway **25** resting upon flange **38**. In fact, the Sweetland reference teaches, as column 1, lines 35-36, “it is obvious that the yoke support must be removed when the trailer is again connected to a pulling vehicle” and, at column 1, lines 36-44, “[i]t is a principal object of the invention to provide a support removeably engageable with the yoke ...” (underline added for emphasis). Therefore, the Sweetland reference teaches removing the supporting device B when the trailer is connected to a pulling vehicle. Thus, the applicant asserts that one of ordinary skill in the art would not have been motivated to employ in Sweetland a first piece mounted to an A-frame and a second piece mounted to the trailer jack.”

Referring to page 3, first full paragraph of the March 26, 2004 Green Declaration, Mr. Green states

“The reason the applicant’s prior remarks discuss the Sweetland “keyway” and “flange” is because that is the mechanism which enables the Sweetland jack to be removably engageable with the yoke, which is the principle object of the Sweetland invention (see column 1, lines 36-44). On page six, the Office Action states that “applicant further argues that purpose of the Sweetland reference is defeated by modifying the jack mounting arrangement in the manner taught by Linton *et al.* ... [t]he primary purpose of the jack in Sweetland is for raising the vehicle so the purpose of the jack in Sweetland indeed has not been defeated by the Linton *et al.* modification”, the invention taught in the Sweetland reference is a removable trailer support (see title, column 1, lines 11-13, 21-23, 34-36, 41-42, 48-50, and 58-61), rather than a jack. Sweetland teaches at column 2, lines 5-7, “the device to be easily installed and removed without the necessity for tools and special equipment”. With regard to a jack, Sweetland teaches “a jack assembly in combination with the trailer support” such that the jack is an accessory to be used in

combination with the removable trailer support, rather than the jack being the invention. Accordingly, the intended purpose of the Sweetland device would be defeated by modifying the Sweetland device in the manner suggested by the Office Action by incorporating a first piece and second piece from Linton *et al.*, if such a modification could even function.”

Moreover, “if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Referring to page 4, carry over paragraph, last sentence of the March 26, 2004 Green Declaration, Mr. Green states

“the modification proposed by the Office Action would render the Sweetland device unsatisfactory for its intended purpose, namely to be a support removeably engageable with the yoke of a trailer (column 1, line 37-39).”

Therefore, there is no suggestion or motivation to make the modification proposed in the Office Action.

In addition, “if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious”. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Referring to page 4, first full paragraph, of the Green Declaration, Mr. Green states

“the modification proposed in the Office Action would change the principle of operation of the Sweetland device, namely to be a support removably engageable with the yoke of a trailer (column 1, line 37-39) with respect to which the Sweetland reference teaches “[i]n operation, yoke A is held at an elevation wherein the shaft 30, in the areas above bushing 39 and 40, can fit through mouths 43 and 44 into keyways 25 and 26; in the aforesaid

position, shaft 30 is maintained in vertical alignment ... [y]oke A is then lowered wherein plate 13 at the area adjacent keyway 25 rests upon flange 38 to support the yoke” (see column 2, lines 66-72).”

Therefore, the teachings of the Sweetland and Linton *et al.* references are not sufficient to render the rejected claims *prima facie* obvious.

Accordingly, one of ordinary skill in the art would not have been motivated to employ on the Sweetland vehicle A-frame coupler a first piece mounted to the vehicle and a second piece mounted to the vehicle jack in order to enable the A-frame mounted jack of Sweetland to be able to transition between a plurality of vertical positions such that the jack will be initially positioned at a correct vertical position relative to the ground before jacking is begun. A *prima facie* case of obviousness has not been presented with respect to claims 1-2, 21-22, and 38-40. Therefore, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-2, 21-22, and 38-40 under 35 U.S.C. §103(a).

The Office Action dated November 10, 2004 states that the affidavit under 37 CFR §1.132 filed March 26, 2004 is insufficient to overcome the rejection of claims 1-12, 21-22, and 38-41 based on Sweetland, Linton *et al.* and Ebey as set forth in the last Office Action because it refer(s) only to the system described in the above-referenced application and not to the individual claims of the application. The applicant respectfully disagrees. Referring to the Declaration of E. Paul Green under 37 CFR §1.132 filed on March 26, 2004, and included in Appendix B of this Appeal Brief, the first full paragraph on page 2 of the Declaration quotes from the rejection in the Office Action dated October 22, 2003, refers to the limitation incorporated by claim 1, and then discusses the lack of teaching in the cited references and the lack of explanation in the Office Action of where or how to modify the device of the Sweetland reference as mentioned in the Office Action. The first full paragraph on page 2 of the Declaration ends by stating “[t]here is simply no motivation for me to modify Sweetland in the manner suggested in the Office Action”.

The last paragraph beginning on page 2 and carrying over to page 3 of the Declaration addresses the Office Action’s statement regarding the motivation of one of ordinary skill in the art, with respect to the rejection of claims 1-2 and 21-22 and ends with

the sentence “[t]hus, one of ordinary skill in the art, at the time of my invention, would not have been motivated to employ in Sweetland a first piece mounted to an A-frame and a second piece mounted to the trailer jack.

The first full paragraph on page 3 of the Declaration then addresses additional comments in the Office Action and discusses the principle object of the Sweetland invention and that the intended purpose of the Sweetland device would be defeated by modifying the Sweetland device in the manner suggested in the Office Action, referring to the modification to the Sweetland device proposed in the rejection of claims 1-2 and 21-22. As discussed in the Response of July 26, 2004 (page 10), “if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” In re Ratti, 270 F.2d. 810, 123 USPQ 349 (CCPA 1959).

In the first full paragraph on page 4 of the Declaration, a discussion of how the modification proposed in the Office Action would change the principle of operation of the Sweetland device, referring to the modification to the Sweetland device proposed in the rejection of claims 1-2 and 21-22.

The second full paragraph on page 4 then addresses additional comments in the Office Action regarding the scope of claim 1, the scope of claim 21, and the scope of claim 22 and discusses that lack of teaching of the cited reference with respect to the limitations of claims 1, 21, and 22.

The last paragraph on page 4, which carries over to page 5, then discusses the rejection of claims 3-12. It is stated that the references do not cure the limitations of the Sweetland and Linton *et al.* references. A discussion of the scope of claim 4 and the scope of claim 9 is also provided, as well as the lack of teaching of the cited references with respect to the limitations of claims 4 and 9.

Accordingly, the affidavit under 37 CFR § 1.132 filed March 26, 2004 refers to the individual claims of the application. Therefore, there is a showing that the objective evidence of non-obviousness is commensurate in scope with the claims.

The Examiner considered the remarks submitted in the applicant’s Response dated July 26, 2004, and provided comments in the Office Action dated November 10, 2004. On

page 4 of the Office Action dated November 10, 2004, the Examiner states "Applicant's remarks that the Linton *et al.* jack mounting arrangement would not function in a trailer is certainly found to have absolutely no merit". The applicant, again, does not know to which remarks the Examiner is referring. On page 5 of the Office Action, the Examiner states, "Applicant further argues that purpose of the Sweetland reference is defeated by modifying the jack mounting arrangement in the manner taught by Linton *et al.* The primary purpose of the jack in Sweetland is for raising the vehicle so the purpose of the jack in Sweetland indeed has not been defeated by the Linton *et al.* modification." However, the primary purpose of the device taught in the Sweetland reference is to provide a support removably engageable with the yoke, as discussed above on page 5 and 6. Again, the Sweetland reference does not teach a jack, but, rather, teaches a removably engageable support. In fact, the main embodiment taught in Sweetland does not even incorporate a jack. Column 3, lines 49-51 of Sweetland teaches "as an alternative in the embodiment of the invention, as shown in Figure 7, a jack mechanism can be employed in combination with shafts 30 or 65.

The statement on page 4 of the Office Action that "[i]n any case, the elimination of a feature with the consequent loss of function (*i.e.*, the removability of the jack) is an indication of obviousness" is confusing. With the exception of the reference to the loss of the removability of the jack (if the Sweetland device could be modified with the Linton *et al.* apparatus) the applicant is not sure to what the Office Action is referring, making it difficult to reply. In any case, the loss of the removability of the jack would render the Sweetland device unsatisfactory for its intended purpose. "If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification". *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Referring to page 4, carry over paragraph, last sentence of the Green Declaration, Mr. Green states

"the modification proposed by the Office Action would render the Sweetland device unsatisfactory for its intended purpose, namely to be a support removeably engageable with the yoke of a trailer (column 1, line 37-39)."

Therefore, there is no suggestion or motivation to make the modification proposed in the Office Action.

Finally, the Office Action at page 5 states “[a]pplicant is merely claiming a first piece and a second piece, whereby the first and second pieces can transition between a plurality of positions. Applicant cannot argue that this broad recitation is not shown in Linton *et al.* The mere choice of the vehicle in which the pieces are mounted such as a vehicle having an A-frame coupler does not make these elements patentable in view of the fact that jacks already exist on vehicles having A-frame couplers as demonstrated by Sweetland.” This is not true. Referring to page 4, second full paragraph of the Green Declaration, Mr. Green states

“This is not true. Claim 1 is directed to a trailer jack mounting apparatus comprising: a first piece mountable to an A-frame coupler of a trailer; and a second piece mountable to a trailer jack, There is no suggestion in the Office Action of how the Linton *et al.* apparatus could be mounted to an A-frame coupler. Claim 21 provides a further limitation “wherein the A-frame coupler is designed to have the trailer jack mounted to the A-frame coupler”. There is no suggestion in the Office Action of how the Linton *et al.* apparatus could be mounted to an A-frame coupler designed to have the trailer jack mounted to the A-frame coupler. Claim 22 provides a further limitation “wherein the trailer jack is designed to mount to the A-frame coupler of the trailer”. There is no showing in Linton *et al.* of a second piece mountable to a trailer jack, wherein the trailer jack is designed to mount to the A-frame coupler of the trailer.”

b. Claim 2 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant’s arguments regarding claim 1 are incorporated herein by reference in their entirety. Further, claim 2 adds the limitation a means for releasably

securing said second piece in at least two of the plurality of positions relative to said first piece. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

c. Claim 21 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant's arguments regarding claim 1 are incorporated herein by reference in their entirety. Further, claim 21 adds the limitation wherein the A-frame coupler is designed to have the trailer jack mounted to the A-frame coupler. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

d. Claim 22 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant's arguments regarding claims 1 and 21 are incorporated herein by reference in their entirety. Further, claim 22 adds the limitation wherein the second piece is mountable to the trailer jack, wherein the trailer jack is designed to mount to the A-frame coupler of the trailer. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and

apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

e. Claim 38 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant's arguments regarding claim 1 are incorporated herein by reference in their entirety. Further, claim 38 adds the limitation wherein the first piece is mountable to an A-frame coupler of a trailer wherein the A-frame coupler has an opening designed to accept the trailer jack. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

f. Claim 39 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant's arguments regarding claim 1 are incorporated herein by reference in their entirety. Further, claim 39 adds the limitation wherein the A-frame coupler is located at the front of the trailer and is designed to couple to a hitch ball. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

g. Claim 40 is not rendered obvious by the cited references.

Claims 1-2, 21-22, and 38-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). Appellant's arguments regarding claim 1 are incorporated herein by reference in their entirety. Further, claim 40 adds the limitation a first piece mountable to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

D. a. Claim 3 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 2 are incorporated herein by reference in their entirety. Further, claim 3 adds the limitation wherein said first piece is pivotally connected to said second piece. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

b. Claim 4 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 3 are incorporated herein by reference in their entirety. Further, claim 4 adds the limitation wherein said first piece comprises a trailer mounting structure for mounting to the A-frame coupler of the trailer and at least one extending structure for pivotally connecting to said second piece, wherein said second piece comprises a trailer jack mounting structure for mounting to the trailer jack and at least one pivoting arm for pivotally connecting to said first piece, wherein said at least one extending structure and said at least one pivoting arm are pivotally connected to each other by a pivoting means. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

c. Claim 5 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 4 are incorporated herein by reference in their entirety. Further, claim 5 adds the limitation wherein said pivoting means is a pin, wherein said pin is inserted in a first aperture in said at least one extending structure and in a second aperture in said at least one pivoting arm. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

d. Claim 6 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 4 are incorporated herein by reference in their entirety. Further, claim 6 adds the limitation wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece can releasably secure said second piece in an up position relative to said first piece and can releasably secure said second piece in a down position relative to said first piece, wherein the up position positions the trailer jack relative to the trailer so as to allow the trailer to be transported without interference by the trailer jack and the down position positions the trailer jack to allow the trailer jack to support the trailer's tongue with respect to the ground. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

e. Claim 7 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 6 are incorporated herein by reference in their entirety. Further, claim 7 adds the limitation wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece comprises a locking pin, wherein said locking pin is inserted in a first lock aperture in said at least one extending structure and is inserted in an up position aperture in said at least one pivoting arm to secure said second piece in the up position relative to said first piece, and wherein said locking pin is inserted in said first lock aperture in said at least one extending structure and is inserted in a down position aperture in said at least one pivoting arm to secure said second piece in a down position relative to said first piece.

Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

f. Claim 8 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 8 are incorporated herein by reference in their entirety. Further, claim 8 adds the limitation wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece comprises a locking pin, wherein said locking pin is inserted in a first lock aperture in said at least one pivoting arm and is inserted in an up position aperture in said at least one extending structure to secure said second piece in the up position relative to said first piece, and wherein said locking pin is inserted in said first lock aperture in said at least one pivoting arm and is inserted in a down position aperture in said at least one extending structure to secure said second piece in a down position relative to said first piece. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

g. Claim 9 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 4 are incorporated herein by

reference in their entirety. Further, claim 9 adds the limitation wherein said first piece is removably mounted to the A-frame coupler of the trailer. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

h. Claim 10 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 9 are incorporated herein by reference in their entirety. Further, claim 10 adds the limitation wherein the trailer jack is removably mounted to said second piece. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

i. Claim 11 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 4 are incorporated herein by reference in their entirety. Further, claim 11 adds the limitation wherein said first piece is permanently mounted to the A-frame coupler of the trailer. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also

respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

j. Claim 12 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 11 are incorporated herein by reference in their entirety. Further, claim 12 adds the limitation wherein the trailer jack is permanently mounted to said second piece. Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

k. Claim 41 is not rendered obvious by the cited references.

Claims 3-12 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). Appellant's arguments regarding claims 1 and 40 are incorporated herein by reference in their entirety. Further, claim 41 adds the limitation a means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece, wherein the first piece is pivotally connected to the second piece, wherein the means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece can releasably secure the second piece in an up position relative to the first piece and can releasably secure the second piece in a down position relative to the first piece, wherein the up position positions the trailer jack relative to the trailer so as to allow the trailer to be transported without interference by the trailer jack and the down position positions the trailer jack to allow the trailer jack to support the trailer's tongue with respect to the ground, wherein the first piece comprises a trailer mounting structure for mounting to the

A-frame coupler of the trailer and at least one extending structure for pivotally connecting to the second piece, wherein the second piece comprises a trailer jack mounting structure for mounting to the trailer jack and at least one pivoting arm for pivotally connecting to the first piece, wherein the at least one extending structure and the at least one pivoting arm are pivotally connected to each other by a pivoting means, wherein the means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece comprises a locking pin, wherein the locking pin is inserted in a first lock aperture in the at least one extending structure and is inserted in an up position aperture in the at least one pivoting arm to secure the second piece in the up position relative to the first piece, and wherein the locking pin is inserted in the first lock aperture in the at least one extending structure and is inserted in a down position aperture in the at least one pivoting arm to secure the second piece in a down position relative to the first piece.

Appellant respectfully submits that this rejection fails to raise a *prima facie* case of obviousness for the claimed invention because the cited references, alone or in combination, do not disclose or suggest the unique and advantageous method and apparatus for trailer jack mount claimed herein. It is also respectfully submitted that the combination of references fails to meet a variety of limitations set forth in the claims and that the rejection is the result of improper hindsight reconstruction of the claimed invention.

APPENDIX ACurrently Pending Claims

(Claims 13-20 were cancelled in Amendment dated May 9, 2003)

(Claim 23-37 were cancelled in Amendment dated September 22, 2003)

Claim 1.

A trailer jack mounting apparatus, comprising:

a first piece mountable to an A-frame coupler of a trailer; and

a second piece mountable to a trailer jack,

wherein said first piece and said second piece are movably connected to each other such that said second piece can transition between a plurality of positions relative to said first piece, wherein once said first piece is mounted to the A-frame coupler of the trailer and the trailer jack is mounted to said second piece, the trailer jack mounted to said second piece can transition between a corresponding plurality of positions relative to the trailer mounted to said first piece.

Claim 2.

The apparatus according to claim 1, further comprising:

a means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece.

Claim 3.

The apparatus according to claim 2, wherein said first piece is pivotally connected to said second piece.

Claim 4.

The apparatus according to claim 3, wherein said first piece comprises a trailer mounting structure for mounting to the A-frame coupler of the trailer and at least one

extending structure for pivotally connecting to said second piece, wherein said second piece comprises a trailer jack mounting structure for mounting to the trailer jack and at least one pivoting arm for pivotally connecting to said first piece, wherein said at least one extending structure and said at least one pivoting arm are pivotally connected to each other by a pivoting means.

Claim 5.

The apparatus according to claim 4, wherein said pivoting means is a pin, wherein said pin is inserted in a first aperture in said at least one extending structure and in a second aperture in said at least one pivoting arm.

Claim 6.

The apparatus according to claim 4, wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece can releasably secure said second piece in an up position relative to said first piece and can releasably secure said second piece in a down position relative to said first piece, wherein the up position positions the trailer jack relative to the trailer so as to allow the trailer to be transported without interference by the trailer jack and the down position positions the trailer jack to allow the trailer jack to support the trailer's tongue with respect to the ground.

Claim 7.

The apparatus according to claim 6, wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece comprises a locking pin, wherein said locking pin is inserted in a first lock aperture in said at least one extending structure and is inserted in an up position aperture in said at least one pivoting arm to secure said second piece in the up position relative to said first piece, and wherein said locking pin is inserted in said first lock aperture in said at least one extending structure and is inserted in a down position aperture in said at least one pivoting arm to secure said second piece in a down position relative to said first piece.

Claim 8.

The apparatus according to claim 6, wherein said means for releasably securing said second piece in at least two of the plurality of positions relative to said first piece comprises a locking pin, wherein said locking pin is inserted in a first lock aperture in said at least one pivoting arm and is inserted in an up position aperture in said at least one extending structure to secure said second piece in the up position relative to said first piece, and wherein said locking pin is inserted in said first lock aperture in said at least one pivoting arm and is inserted in a down position aperture in said at least one extending structure to secure said second piece in a down position relative to said first piece.

Claim 9.

The apparatus according to claim 4, wherein said first piece is removably mounted to the A-frame coupler of the trailer.

Claim 10.

The apparatus according to claim 9, wherein the trailer jack is removably mounted to said second piece.

Claim 11.

The apparatus according to claim 4, wherein said first piece is permanently mounted to the A-frame coupler of the trailer.

Claim 12.

The apparatus according to claim 11, wherein the trailer jack is permanently mounted to said second piece.

Claim 21.

The mounting apparatus according to claim 1, wherein the first piece is mountable to the A-frame coupler of the trailer, wherein the A-frame coupler is designed to have the trailer jack mounted to the A-frame coupler.

Claim 22.

The mounting apparatus according to claim 21, wherein the second piece is mountable to the trailer jack, wherein the trailer jack is designed to mount to the A-frame coupler of the trailer.

Claim 38.

The apparatus, according to claim 1,
wherein the first piece is mountable to an A-frame coupler of a trailer wherein the A-frame coupler has an opening designed to accept the trailer jack.

Claim 39.

The apparatus, according to claim 1,
wherein the A-frame coupler is located at the front of the trailer and is designed to couple to a hitch ball.

Claim 40.

An apparatus for mounting a trailer jack to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball, comprising:

a first piece mountable to an A-frame coupler that attaches to two frame members of a trailer that meet at the front end of the trailer and incorporates a ball socket for receiving a hitch ball; and

a second piece mountable to a trailer jack,

wherein the first piece and the second piece are movably connected to each other such that the second piece can transition between a plurality of positions relative to the first piece,

wherein once the first piece is mounted to the A-frame coupler of the trailer jack and the trailer jack is mounted to the second piece, the trailer jack mounted to the second piece can transition between a corresponding plurality of positions relative to the trailer mounted to the first piece.

Claim 41.

The apparatus according to claim 40, further comprising:

a means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece,

wherein the first piece is pivotally connected to the second piece,

wherein the means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece can releasably secure the second piece in an up position relative to the first piece and can releasably secure the second piece in a down position relative to the first piece, wherein the up position positions the trailer jack relative to the trailer so as to allow the trailer to be transported without interference by the trailer jack and the down position positions the trailer jack to allow the trailer jack to support the trailer's tongue with respect to the ground,

wherein the first piece comprises a trailer mounting structure for mounting to the A-frame coupler of the trailer and at least one extending structure for pivotally connecting to the second piece,

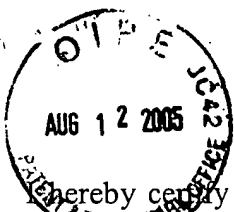
wherein the second piece comprises a trailer jack mounting structure for mounting to the trailer jack and at least one pivoting arm for pivotally connecting to the first piece,

wherein the at least one extending structure and the at least one pivoting arm are pivotally connected to each other by a pivoting means,

wherein the means for releasably securing the second piece in at least two of the plurality of positions relative to the first piece comprises a locking pin, wherein the locking pin is inserted in a first lock aperture in the at least one extending structure and is inserted in an up position aperture in the at least one pivoting arm to secure the second piece in the up position relative to the first piece, and wherein the locking pin is inserted in the first lock aperture in the at least one extending structure and is inserted in a down position aperture in

the at least one pivoting arm to secure the second piece in a down position relative to the first piece.

APPENDIX B



I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
and Trademark Office on the date shown below:

March 26, 2004

James S. Parker
James S. Parker, Patent Attorney

DECLARATION UNDER 37 CFR §1.132
Examining Group 3723
Patent Application
Docket No. PGR-100
Serial No. 09/759,423

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert C. Watson
Art Unit : 3723
Applicant : E. Paul Green
Serial No. : 09/759,423
Filed : January 12, 2001
Conf. No. : 2318
For : Method and Apparatus for Trailer Jack Mount

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF E. PAUL GREEN UNDER 37 CFR §1.132

Sir:

I, E. Paul Green, hereby declare:

THAT, I am the inventor of the subject matter claimed in U.S. patent application
09/759,423 (hereinafter the '423 application);

THAT, I have read and understood the '423 application;

THAT, I have read and understood the rejection of claims in the Office Actions mailed
June 28, 2002, January 9, 2003, May 21, 2003, and October 22, 2003, and the Advisory Action
mailed February 4, 2004, in the '423 application;

THAT, I have been in the welding field for 25 years; I have provided equipment and
supplies to customers in the trailer manufacturing industry for many years; I have used trailers
for 30 years and, in particular, have used trailers having jacks mounted to A-frame couplers; and

I have built and modified trailers for personal use, including a trailer incorporating the subject invention.

AND, being thus duly qualified, do further declare:

Claims 1-2 and 21-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland (U.S. Patent No. 3,345,037) in view of Linton *et al.* (U.S. Patent No. 4,176,824). The Office Action states “[t]o employ in Sweetland a first piece mounted to the vehicle and a second piece mounted to the vehicle jack would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Linton” (underline added for emphasis). However, claim 1 incorporates the limitation “a first piece mountable to an A-frame coupler of a trailer” (underline added for emphasis). The Linton *et al.* reference does not teach a first piece mounted to an A-frame coupler of a trailer. Furthermore, the Office Action does not provide any indication where or how to employ in Sweetland a first piece mounted to an A-frame coupler of a trailer and a second piece mounted to a trailer jack, or how to movably connect the first piece to the second piece such that the second piece can transition between a plurality of positions relative to the first piece. There is simply no motivation for me to modify Sweetland in the manner suggested in the Office Action.

The Office Action states that “one of ordinary skill in the art would have been motivated to do this in order to enable the A-frame mounted jack of Sweetland to be able to transition between a plurality of vehicle positions such that the jack will be initially positioned at a correct vertical position relative to the ground before jacking is begun”. However, the supporting device B taught in the Sweetland reference incorporates a “supporting flange 38 rigidly mounted to the shaft ... [i]mmmediately above flange 38 is a cylindrical bushing 39, also rigidly attached to the shaft ... [b]elow flange 38 is another bushing 40 spaced from the flange and also rigidly attached to shaft 30” (see column 2, lines 54-58). The Sweetland reference teaches “[i]n operation, yoke A is held at an elevation wherein the shaft 30, in the areas above bushing 39 and 40, can fit through mouths 43 and 44 into keyways 25 and 26; in the aforesaid position, shaft 30 is maintained in vertical alignment ... [y]oke A is then lowered wherein plate 13 at the area adjacent keyway 25 rests upon flange 38 to support the yoke” (see column 2, lines 66-72).

Accordingly, the Sweetland reference relies on keyway **25** resting upon flange **38** to support the yoke, such that the mounting of the second piece **32** taught by Linton to the trailer jack (supporting device B) taught by Sweetland and the mounting of the first piece **38** taught by Linton to the A-frame coupler of the trailer taught by Sweetland would not function to allow the trailer jack (supporting device B) mounted to the second piece to transition between a plurality of positions relative to the trailer mounted to the first piece without defeating the mechanism the Sweetland reference relies on to support the yoke, namely keyway **25** resting upon flange **38**. In fact, the Sweetland reference teaches, as column 1, lines 35-36, “it is obvious that the yoke support must be removed when the trailer is again connected to a pulling vehicle” and, at column 1, lines 36-44, “[i]t is a principal object of the invention to provide a support removeably engageable with the yoke ...” (underline added for emphasis). Therefore, the Sweetland reference teaches removing the supporting device B when the trailer is connected to a pulling vehicle. Thus, one of ordinary skill in the art, at the time of my invention, would not have been motivated to employ in Sweetland a first piece mounted to an A-frame and a second piece mounted to the trailer jack.

The Office Action continues onto page 4 to state “Applicant presents a long discussion about the Sweetland ‘keyway’ and ‘flange’. ... (t)his entire discussion is found to be irrelevant because the Sweetland structure has been substituted by the Linton *et al.* structure”. The reason the applicant’s prior remarks discuss the Sweetland “keyway” and “flange” is because that is the mechanism which enables the Sweetland jack to be removably engageable with the yoke, which is the principle object of the Sweetland invention (see column 1, lines 36-44). On page six, the Office Action states that “applicant further argues that purpose of the Sweetland reference is defeated by modifying the jack mounting arrangement in the manner taught by Linton *et al.* ... [t]he primary purpose of the jack in Sweetland is for raising the vehicle so the purpose of the jack in Sweetland indeed has not been defeated by the Linton *et al.* modification”. The invention taught in the Sweetland reference is a removable trailer support (see title, column 1, lines 11-13, 21-23, 34-36, 41-42, 48-50, and 58-61), rather than a jack. Sweetland teaches at column 2, lines 5-7, “the device to be easily installed and removed without the necessity for tools and special equipment”. With regard to a jack, Sweetland teaches “a jack assembly in combination with the

trailer support” such that the jack is an accessory to be used in combination with the removable trailer support, rather than the jack being the invention. Accordingly, I assert the intended purpose of the Sweetland device would be defeated by modifying the Sweetland device in the manner suggested by the Office Action by incorporating a first piece and second piece from Linton *et al.*, if such a modification could even function. The modification proposed by the Office Action would render the Sweetland device unsatisfactory for its intended purpose, namely to be a support removeably engageable with the yoke of a trailer (column 1, line 37-39).

The modification proposed in the Office Action would change the principle of operation of the Sweetland device, namely to be a support removably engageable with the yoke of a trailer (column 1, line 37-39) with respect to which the Sweetland reference teaches “[i]n operation, yoke A is held at an elevation wherein the shaft 30, in the areas above bushing 39 and 40, can fit through mouths 43 and 44 into keyways 25 and 26; in the aforesaid position, shaft 30 is maintained in vertical alignment ... [y]oke A is then lowered wherein plate 13 at the area adjacent keyway 25 rests upon flange 38 to support the yoke” (see column 2, lines 66-72).

The Office Action then states “applicant is merely claiming a first piece and a second piece, whereby the first and second pieces can transition between a plurality of positions.” This is not true. Claim 1 is directed to a trailer jack mounting apparatus comprising: a first piece mountable to an A-frame coupler of a trailer; and a second piece mountable to a trailer jack, There is no suggestion in the Office Action of how the Linton *et al.* apparatus could be mounted to an A-frame coupler. Claim 21 provides a further limitation “wherein the A-frame coupler is designed to have the trailer jack mounted to the A-frame coupler”. There is no suggestion in the Office Action of how the Linton *et al.* apparatus could be mounted to an A-frame coupler designed to have the trailer jack mounted to the A-frame coupler. Claim 22 provides a further limitation “wherein the trailer jack is designed to mount to the A-frame coupler of the trailer”. There is no showing in Linton *et al.* of a second piece mountable to a trailer jack, wherein the trailer jack is designed to mount to the A-frame coupler of the trailer.

Claims 3-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sweetland in view of Linton *et al.* taken with Ebey (U.S. Patent No. 4,623,125). The deficiencies with respect to the rejection of claims 1-2 and 21-22 over Sweetland *et al.* in view of

Linton *et al.* have been discussed above. The Ebey reference does not cure such defects. Furthermore, claim 4 includes the limitation “wherein said first piece comprises a trailer mounting structure for mounting to the A-frame coupler of the trailer and at least one extending structure for pivotally connecting to said second piece, wherein said second piece comprises a trailer jack mounting structure for mounting to the trailer jack and at least one pivoting arm for pivotally connecting to said first piece,... Claim 9 includes the limitation “wherein said first piece is removably mounted to the A-frame coupler of the trailer. The Sweetland, Linton *et al.*, and Ebey references, alone or in combination, do not teach or suggest the subject invention as claimed in claims 4 and 9 and, in particular, the underlined limitations.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Further declarant sayeth naught.

Signed:

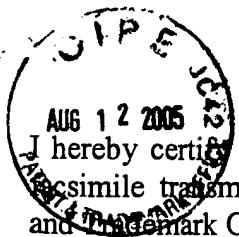


E. Paul Green

Date:

3-22-04

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facsimile transmitted to the United States Patent
and Trademark Office on the date shown below:

July 30, 2004

James S. Parker, Patent Attorney

COPY

DECLARATION UNDER 37 CFR §1.132
Examining Group 3723
Patent Application
Docket No. PGR-100
Serial No. 09/759,423

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert C. Watson
Art Unit : 3723
Applicant : E. Paul Green
Serial No. : 09/759,423
Filed : January 12, 2001
Conf. No. : 2318
For : Method and Apparatus for Trailer Jack Mount

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF E. PAUL GREEN UNDER 37 CFR §1.132

Sir:

I, E. Paul Green, hereby declare:

THAT, I am the inventor of the subject matter claimed in U.S. patent application
09/759,423 (hereinafter the '423 application);

THAT, I have read and understood the '423 application;

THAT, I have read and understood the rejection of claims in the Office Actions mailed
June 28, 2002, January 9, 2003, May 21, 2003, October 22, 2003, the Advisory Action mailed
February 4, 2004, in the '423 application, and the Office Action mailed on March 24, 2004;

THAT, I have been in the welding field for 25 years; I have provided equipment and
supplies to customers in the trailer manufacturing industry for many years; I have used trailers
for 30 years and, in particular, have used trailers having jacks mounted to A-frame couplers; and
I have built and modified trailers for personal use, including a trailer incorporating the subject
invention.

AND, being thus duly qualified, do further declare:

The Office Action dated March 24, 2004 asserted at page 3, in reference to the rejection of claims 1-2, 21-22, and 38 under 35 U.S.C. §103(a), that "[a]ny frame member on the front of the vehicle may be termed an A-frame coupler." However, the term A-frame coupler has a meaning well known in the art. As commonly known in the art, an A-frame coupler is an element that attaches to the two frame members of the trailer that meet at the front end of the trailer to form "the tip of an A" and incorporates a ball socket for receiving a hitch ball. Therefore, it is a mischaracterization to state that any frame member on the front of the vehicle may be termed an A-frame coupler.

Attached, as exhibits A and B, are excerpts from on-line catalogs of two companies that sell A-frame couplers, Fulton and Atwood, respectively. The catalog descriptions of the Fulton and Atwood A-frame couplers describe the type of coupler commonly known in the art as an A-frame coupler and show photographs of the same. Each of these A-frame couplers are designed to attach to two frame members of the trailer that meet at the front end of the trailer to form "the tip of an A" and each A-frame coupler incorporates a ball socket for receiving a hitch ball. Note that the A-frame coupler shown on page 2 of exhibit B features a jack mounting hole for "easy installation".

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Further declarant sayeth naught.

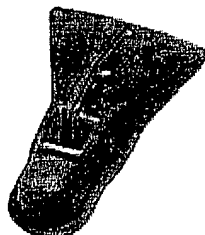
Signed:


E. Paul Green

Date:

7-30-04

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A-Frame Stamped Couplers

Fulton A-Frame stamped couplers have high strength steel housings and are designed to weld onto frame members set at 50-degree angles. Our Class I 11305 is ideal for lighter duty A-Frame trailers while the Class III 33305 is rated for up to 5000 lbs and offers standard A-Frame jack mounting holes. The new and improved 44305R features the new Wedge-Latch™ (patent pending), the only replaceable ball clamp assembly in its class. All models are available in prime or oily finish.

Click on model number for detailed information and downloads.

MODEL NO.	BALL SIZE	SAE CLASS	TRAILER G.V.W.	TOUNGE MOUNT
33305	2"	III	5000	50 Degree A-Frame
11305	1-7/8"	I	2000	50 Degree A-Frame
44305R	2-5/16"	IV	10,000	50 Degree A-Frame

Table last updated 03/13/2002

Disclaimer

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Exhibit B



Atwood Jacks, Couplers and Hitch Balls



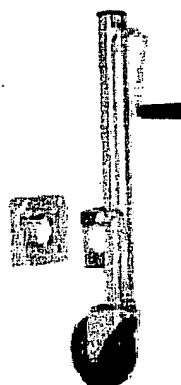
Atwood Bolt Swivel Jacks

Atwood Bolt Swivel Jacks are designed to allow the jack tube to swing easily from its horizontal transit position to the vertical stationery position, locking securely into place with a solid 1/2" diameter spring-loaded pin. The bolt design of the swivel holds the jack firmly against the mounting bracket, substantially reducing the side-to-side wobble while in use and virtually eliminates the annoying chatter during travel. The jacks are available in both weld-on and bolt-on versions that will fit all rectangular frames up to 3" wide and 3, 4, or 5 inches deep.

Atwood Retaining Ring Swivel Jacks

Zinc Plated for Marine Applications

Atwood retaining ring swivel jacks have been designed and tested considering requirements such as tongue-lifting capacities, side loading capacities, length of travel needed to accommodate tractor and other tow vehicle hitch heights, clearance of power take-off shafts and jack cycle life necessary to match equipment usage and life expectancy.



Mounting Brackets

Brackets, retaining ring, and when applicable, nuts, bolts and lock washers. 87502 87501 Bolt-on bracket fits frames 2 or 3" wide and 3, 4, or 5" deep. Weld-on bracket fits most frames. Bulk 25 quantity



Atwood Power Jacks

Atwood Power Jacks make positioning a trailer hassle-free. The patented design and convenience of push button operation take the physical exertion out of cranking a trailer up or down. Simply push the button to quickly and effortlessly raise or lower the trailer into position with complete control. The Atwood Power Jack cannot change position until powered, giving you complete control over jack and trailer movement at all times. It is ideal for long-term storage, too.

Atwood jacks are not affected by temperature variations, providing solid, consistent performance regardless of the weather.

Permanently Lubricated

Our low maintenance jacks are carefully designed for years of convenient, trouble-free use. Manual override handle included.

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Atwood A-Frame Jacks

A-Frame jacks, with triangular brackets, provide easy bolt-on or weld-on mounting through A-Frame couplers and are available in side and top-wind models. Casters or feet quickly install on jack ram. (Casters and feet must be ordered separately.)

**Atwood Couplers**

Atwood A-Frame couplers weld onto frame members set at 50° angles and are manufactured for S.A.E. class 3 and 4. These couplers are designed for demanding applications.

They feature a jack mounting hole for easy installation and are available for 2" and 2 5/16" ball size.

Atwood Hitch Balls

Atwood Mobile Products offers a variety of 2" and 2 5/16" companion hitch balls to meet trailer towing applications from 5,000 to 40,000 lbs. gross vehicle weight. Forged or machined using high-strength fatigue-resistant steel, Atwood hitch balls are designed to mate with specific Atwood couplers for optimal fit, long life and trouble-free performance.



Each Atwood hitch ball comes complete with a lock washer and hex nut for quick, secure installation, and meets all applicable S.A.E. and D.O.T. standards.

Atwood Pro Stands

Atwood's NEW Pro Stand is the ideal answer for jacks with casters that have to be set on soft ground, surfaces that are not level or will be left in place for long periods of time. The large base easily supports the jack, caster and trailer. The high profile Pro Stand is great for between use storage where the boat can be left in a tilted position to allow it to drain.

Atwood Casters and Feet

Atwood casters and jack feet, with convenient "twist-lock", provide easy attachment to the jack and quick removal for towing. They mount on all Atwood A-Frame jacks.



ATWOOD MOBILE PRODUCTS
4750 Hlawatha Drive Rockford, Illinois 61103 815.877.5700

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